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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,922	08/31/2001	Joseph B. Fuller	29409/01	2250

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EXAMINER

TORRES, ALICIA M

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 08/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/944,922

Applicant(s)

FULLER, JOSEPH B.

Examiner

Alicia M Torres

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Specification

1. The disclosure is objected to because of the following informalities:

in line 1, page 1 “trimmer” should be “trimmers”;

“fatigue” is spelled incorrectly on page 2, lines 8 and 24.

Appropriate correction is required.

Oath/Declaration

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the city and either state or foreign country of residence of each inventor. The residence information may be provided on either on an application data sheet or supplemental oath or declaration.

Drawings

3. The drawings are objected to because there are elements shown in the drawings which are not described in the specification. The element connecting the second axle (26) to the bracket (27) has neither been assigned a reference number nor described in the specification. The rotation arrow about the central axis of bracket (27) has not been described in the specification. It is unclear as to how this rotation is possible.

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A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

DETAILED ACTION

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 11 recites the limitation "said handle attachment device" in line 4. There is insufficient antecedent basis for this limitation in the claim. It appears that "device" should be "element".

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 4-6 and 10, are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, cited by applicant, in view of Kalmar.

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In regards to claims 1, 2 and 5, Smith discloses a trimmer comprising a base (10) with recess (24), as per claim 2, an electric motor, as per claim 5, attached to the base wherein the motor is attached to and rotates a cutting element wherein the cutting element comprises at least one line (see column 1, lines 29-34 and column 6, lines 11-30), two wheels (12, 16), which in use can be locked in a single direction therefore making them unidirectional (see column 5, lines 45-63), attached to the base and a multidirectional wheel (14) attached to the base (see column 5, lines 45-63). However, Smith fails to disclose a handle bar connected to the base by a universal joint. Kalmar discloses a similar device with a handle (44) connected to the rear of the base, as per claims 6 and 10, by a universal joint (43, see figure 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to attach the handle using the universal joint of Kalmar to the trimmer of Smith, in order to provide a more versatile handle assembly.

In regards to claim 4, Kalmar discloses that such a universal joint (43) is comprised of a handle couple (42) attached to the handle, a link rotatably attached to the handle couple, and a bracket rotatably attached to the link and attached to the base (see figure 3).

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, cited by applicant, and Kalmar as applied to claims 1 above, and further in view of Wolfe, Sr, cited by applicant.

The device is disclosed as applied to claim 1 above. However, Smith and Kalmar fail to disclose a lower grip attached to the handle. Wolfe, Sr. discloses a trimmer with a lower grip (F) attached to handle (I). It would have been obvious to one skilled in the art at the time the

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invention was made to include the lower grip of Wolfe, Sr. on the combination of Smith and Kalmar, in order to provide easier handling of the device.

8. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, cited by applicant, and Kalmar as applied to claim 6 above, and further in view of Esken.

Smith and Kalmar disclose the device as applied to claim 6 above. However, Smith and Kalmar fail to disclose a dual pivoting joint comprising a first and a second pivot. Esken discloses a dual pivot joint (16) comprising a first pivot (15) and a second pivot (18, see figure 3, and column 2, lines 16-20). The first pivot and second pivot are perpendicular and are not parallel, as per claims 8 and 9. It would have been obvious to one skilled in the art at the time the invention was made to use the dual pivot joint of Esken in the combination of Smith and Kalmar, in order to provide a more versatile handle assembly.

9. Claims 11 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalmar in view of Esken.

In regards to claim 11, Kalmar discloses a trimmer comprising a rotating line cutting device (see figure 1), a handle attachment element (43) attached to the rotating line cutting device comprising a handle attachment element (43) and a handle (42,44) attached to the handle attachment element. However, Kalmar fails to disclose a handle attachment element comprising a first pivot and a second pivot capable of pivoting simultaneously. Esken discloses an attachment element (16) comprising a first pivot (15) and a second pivot (18) capable of pivoting simultaneously (see figure 3, and column 2, lines 16-20). It would have been obvious to one skilled in the art at the time the invention was made to substitute the pivoting attachment of Esken for the handle attachment element of Kalmar.

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In regards to claim 14, Kalmar further discloses a trimmer wherein the rotating line device comprises a base (7) and a motor attached to the base and wherein the motor rotates a line (24, see column 3, lines 31-41).

In regards to claim 15, Kalmar further discloses a trimmer wherein the handle attachment element (43) is a universal joint (see figure 3).

In regards to claims 16 and 17, Esken discloses a first pivot (15) and a second pivot (18) which are not parallel, as per claim 16, and are perpendicular, as per claim 17 (see figure 3 and column 2, lines 16-20).

10. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalmar and Esken as applied to claim 11 above, and further in view of Smith, cited by applicant.

In regards to claims 12 and 13, Kalmar and Esken disclose the device as applied to claim 11. However, the combination fails to disclose a trimmer further comprising two unidirectional wheels, as per claim 12, and a multidirectional wheel, as per claim 13. Smith discloses a trimmer comprising three lockable wheels wherein a combination of two unidirectional wheels, as per claim 12, and a multidirectional wheel, as per claim 13, can be attained (see column 5, lines 45-63). It would have been obvious to one skilled in the art at the time the invention was made to include the wheel assembly of Smith in the combination of Kalmar and Esken, in order to facilitate use of the device.

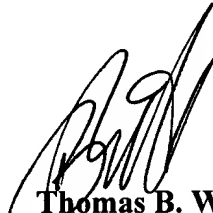
Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Heath, Lessig, III, and Everts et al have been cited as of reference.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Torres whose telephone number is 703-305-6953. The examiner can normally be reached on Monday, Tuesday, Thursday, and Friday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 703-308-3870.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 703-305-3597.


Thomas B. Will
Supervisory Patent Examiner
Group Art Unit 3671

AMT
August 9, 2002